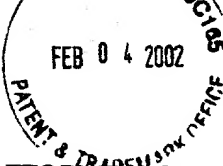


FEB 04 2002



COPY OF PAPERS  
ORIGINAL FILED

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
(FOR INTEL CORPORATION PATENT APPLICATIONS)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND APPARATUS FOR MESSAGE ESCALATION BY DIGITAL ASSISTANTS

the specification of which

     is attached hereto.  
  X   was filed on (MM/DD/YYYY) June 29, 2001 as  
United States Application Number 09/895,557  
or PCT International Application Number                       
and was amended on (MM/DD/YYYY)                     .  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
(Number)	(Country)	(Foreign Filing Date - MM/DD/YYYY)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

Application Number (Filing Date – MM/DD/YYYY)

Application Number (Filing Date – MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number (Filing Date – MM/DD/YYYY) Status -- patented,  
pending, abandoned

Application Number (Filing Date – MM/DD/YYYY) Status -- patented,  
pending, abandoned

FEB 04 2002  
PATENT & TRADEMARK OFFICE

COPY OF PAPERS  
ORIGINALLY FILED

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to John P. Ward, BLAKELY, SOKOLOFF, TAYLOR &  
(Name of Attorney or Agent)  
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct  
telephone calls to John P. Ward, (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Andrew V. Anderson

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

Post Office Address 577 SE 88<sup>th</sup> Avenue  
Hillsboro, Oregon 97123

Full Name of Second/Joint Inventor Paul B. Pierce

Inventor's Signature Paul B. Pierce Date 12/20/01

Residence Portland, Oregon Citizenship USA  
(City, State) (Country)

Post Office Address 2933 NE 17<sup>th</sup> Avenue  
Portland, Oregon 97212

Full Name of Third/Joint Inventor Uttam Sengupta

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon Citizenship India  
(City, State) (Country)

Post Office Address 14192 NW Meadowridge Drive  
Portland, Oregon 97229

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to John P. Ward BLAKELY, SOKOLOFF, TAYLOR &  
(Name of Attorney or Agent)

ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct  
telephone calls to John P. Ward (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Andrew V. Anderson

Inventor's Signature Andrew V. Anderson

Date 12-19-01

Residence Hillsboro, Oregon

(City, State)

Citizenship USA

(Country)

Post Office Address 577 SE 68<sup>th</sup> Avenue

Hillsboro, Oregon 97123

Full Name of Second/Joint Inventor Paul R. Pierce

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Portland, Oregon

(City, State)

Citizenship USA

(Country)

Post Office Address 2933 NE 17<sup>th</sup> Avenue

Portland, Oregon 97212

Full Name of Third/Joint Inventor Uttam Sengupta

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Portland, Oregon

(City, State)

Citizenship India

(Country)

Post Office Address 14192 NW Meadowridge Drive

Portland, Oregon 97229

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to John P. Ward, BLAKELY, SOKOLOFF, TAYLOR &  
(Name of Attorney or Agent)  
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct  
telephone calls to John P. Ward, (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Andrew V. Anderson

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

Post Office Address 677 SE 68<sup>th</sup> Avenue  
Hillsboro, Oregon 97123

Full Name of Second/Joint Inventor Paul R. Pierce

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon Citizenship USA  
(City, State) (Country)

Post Office Address 2933 NE 17<sup>th</sup> Avenue  
Portland, Oregon 97212

Full Name of Third/Joint Inventor Uttam Sengupta

Inventor's Signature Uttam Sengupta Date Dec 19, 2007

Residence Portland, Oregon Citizenship India USA  
(City, State) (Country)

Post Office Address 14192 NW Meadowridge Drive  
Portland, Oregon 97229

0012  
COPY OF PAPERS  
ORIGINALLY FILEDFull Name of Fourth/Joint Inventor Ticky Thakkar

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship United Kingdom (Country)Post Office Address 150 SW Moonridge Place  
Portland, Oregon 97225Full Name of Fifth/Joint Inventor Kit ThamInventor's Signature *Kit Tham* Date 12/21/01Residence Portland, Oregon (City, State) Citizenship Singapore (Country)Post Office Address 150 SW Moonridge Place  
Portland, Oregon 97225Full Name of Sixth/Joint Inventor Nick Wade

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship USA (Country)Post Office Address 2730 NW B1 Street PL  
Portland, Oregon 97229Full Name of Seventh/Joint Inventor Trevor Pering

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Mountain View, California (City, State) Citizenship USA (Country)Post Office Address 221 Jesse Lane #4  
Mountain View, California 94041Full Name of Eighth/Joint Inventor Steve Bennett

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon (City, State) Citizenship USA (Country)Post Office Address 6469 SE Sigrid Street  
Hillsboro, Oregon 97123

INTEL CORPORATION

Rev. 08/16/01 (D3 INTEL)

-4-

Full Name of Fourth/Joint Inventor Ticky Thakkar

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon \_\_\_\_\_ Citizenship United Kingdom \_\_\_\_\_  
(City, State) (Country)

Post Office Address 150 SW Moonridge Place \_\_\_\_\_  
Portland, Oregon 97225 \_\_\_\_\_

Full Name of Fifth/Joint Inventor Kit Tham

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon \_\_\_\_\_ Citizenship Singapore \_\_\_\_\_  
(City, State) (Country)

Post Office Address 150 SW Moonridge Place \_\_\_\_\_  
Portland, Oregon 97225 \_\_\_\_\_

Full Name of Sixth/Joint Inventor Nick Wade

Inventor's Signature Nick Wade Date 12/19/01

Residence Portland, Oregon \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 2730 NW 81 Street Pl \_\_\_\_\_  
Portland, Oregon 97229 \_\_\_\_\_

Full Name of Seventh/Joint Inventor Trevor Pering

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Mountain View, California \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 221 Jesse Lane #4 \_\_\_\_\_  
Mountain View, California 94041 \_\_\_\_\_

Full Name of Eighth/Joint Inventor Steve Bennett

Inventor's Signature Steve Bennett Date 12/19/01

Residence Hillsboro, Oregon \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 6469 SE Sigrid Street \_\_\_\_\_  
Hillsboro, Oregon 97123 \_\_\_\_\_

Full Name of Fourth/Joint Inventor Ticky ThakkarInventor's Signature [Signature]

Date

20/12/01Residence Portland, Oregon

(City, State)

Citizenship United Kingdom

(Country)

Post Office Address 150 SW Moonridge PlacePortland, Oregon 97225Full Name of Fifth/Joint Inventor Kit Tham

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Portland, Oregon

(City, State)

Citizenship Singapore

(Country)

Post Office Address 150 SW Moonridge PlacePortland, Oregon 97225Full Name of Sixth/Joint Inventor Nick Wade

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Portland, Oregon

(City, State)

Citizenship USA

(Country)

Post Office Address 2730 NW 81<sup>st</sup> Street PLPortland, Oregon 97229Full Name of Seventh/Joint Inventor Trevor Pering

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Mountain View, California

(City, State)

Citizenship USA

(Country)

Post Office Address 221 Jesse Lane #4Mountain View, California 94041Full Name of Eighth/Joint Inventor Steve Bennett

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Hillsboro, Oregon

(City, State)

Citizenship USA

(Country)

Post Office Address 6469 SE Sigrid StreetHillsboro, Oregon 97123

Full Name of Fourth/Joint Inventor Ticky Thakkar

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon \_\_\_\_\_ Citizenship United Kingdom \_\_\_\_\_  
(City, State) (Country)

Post Office Address 150 SW Moonridge Place \_\_\_\_\_  
Portland, Oregon 97225 \_\_\_\_\_

Full Name of Fifth/Joint Inventor Kit Tham

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon \_\_\_\_\_ Citizenship Singapore \_\_\_\_\_  
(City, State) (Country)

Post Office Address 150 SW Moonridge Place \_\_\_\_\_  
Portland, Oregon 97225 \_\_\_\_\_

Full Name of Sixth/Joint Inventor Nick Wade

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 2730 NW 81<sup>st</sup> Street PL \_\_\_\_\_  
Portland, Oregon 97229 \_\_\_\_\_

Full Name of Seventh/Joint Inventor Trevor Perina

Inventor's Signature Trevor Perina Date 12/19/01

Residence Mountain View, California \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 221 Jesse Lane #4 \_\_\_\_\_  
Mountain View, California 94041 \_\_\_\_\_

Full Name of Eighth/Joint Inventor Steve Bennett

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon \_\_\_\_\_ Citizenship USA \_\_\_\_\_  
(City, State) (Country)

Post Office Address 6469 SE Sigrid Street \_\_\_\_\_  
Hillsboro, Oregon 97123 \_\_\_\_\_

Full Name of Ninth/Joint Inventor Lee Hirsch

Inventor's Signature *Lee Hirsch*

Date

12/19/2001

Residence Cupertino, California

(City, State)

Citizenship USA

(Country)

Post Office Address 11445 Charsan Lane

Cupertino, California 95014

Full Name of Tenth/Joint Inventor Scott Robinson

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence Portland, Oregon

(City, State)

Citizenship USA

(Country)

Post Office Address 4527 SW Humphrey Court

Portland, Oregon 97221

Full Name of Ninth/Joint Inventor Lee Hirsch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Cupertino, California  
(City, State)

Citizenship USA

(Country)

Post Office Address 11445 Charsan Lane  
Cupertino, California 95014

Full Name of Tenth/Joint Inventor Scott Robinson

Inventor's Signature \_\_\_\_\_

Date 12/18/2001

Residence Portland, Oregon

(City, State)

Citizenship USA

(Country)

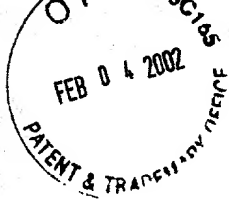
Post Office Address 4527 SW Humphrey Court  
Portland, Oregon 97221



APPENDIX A

COPY OF PAPERS  
ORIGINALLY FILED

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Peggy S. Avalos, Reg. No. 42,274; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Berezna, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Jae-Hee Choi, Reg. No. 45,288; Thomas M. Coester, Reg. No. 39,637; Robert P. Cogan, Reg. No. 25,049; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Mimi Diemmy Dao, Reg. No. 45,628; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Justin M. Dillon, Reg. No. 42,486; Sanjeet Dutta, Reg. No. 46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Mark J. Fink, Reg. No. 45,270; George Fountain, Reg. No. 37,374; Andre Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Alan Heimlich, Reg. No. P48,808; James A. Henry, Reg. No. 41,064; Libby H. Ho, Reg. No. 46,774; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steve Laut, Reg. No. 47,736; George Brian Leavell, Reg. No. 45,436; Samuel S. Lee, Reg. No. 42,791; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Julio Loza, Reg. No. 47,758; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Richard A. Nakashima, Reg. No. 42,023; Stephen Neal, Reg. No. 47,815; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Gregg A. Peacock, Reg. No. 45,001; Marina Portnova, Reg. No. 45,750; Michael A. Proksch, Reg. No. 43,021; Randol W. Read, Reg. No. 43,876; William F. Ryann, Reg. No. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey S. Schubert, Reg. No. 43,098; George Simion, Reg. No. P47,089; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Ronald S. Tamura, Reg. No. 43,179; Edwin H. Taylor, Reg. No. 25,129; Lance A. Termes, Reg. No. 43,184; John F. Travis, Reg. No. 43,203; Kerry P. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Archana B. Vittal, Reg. No. 45,182; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; Charles P. Landrum, Reg. No. 46,855; Suk S. Lee, Reg. No. 47,745; and Raul Martinez, Reg. No. 46,904; Brent E. Vecchia, Reg. No. P48,011; Lehua Wang, Reg. No. P48,023; my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Alan K. Aldous, Reg. No. 31,905; Ben Burge, Reg. No. 42,372; Robert A. Burtzlaff, Reg. No. 35,466; Richard C. Calderwood, Reg. No. 35,468; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg. No. 39,973; Jeffrey B. Huter, Reg. No. 41,086; John Kacvinsky, Reg. No. 40,040; Seth Z. Kalson, Reg. No. 40,670; David J. Kaplan, Reg. No. 41,105; Peter Lam, Reg. No. 44,855; Charles A. Mirho, Reg. No. 41,199; Paul Nagy, Reg. No. 37,896; Leo V. Novakoski, Reg. No. 37,198; Thomas C. Reynolds, Reg. No. 32,488; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Steven P. Skabrat, Reg. No. 36,279; Howard A. Skaist, Reg. No. 36,008; Robert G. Winkle, Reg. No. 37,474; Sharon Wong, Reg. No. 37,760; Steven D. Yates, Reg. No. 42,242; Calvin E. Wells, Reg. No. 43,256 and Charles K. Young, Reg. No. 39,435; my patent attorneys, and my patent agents, of INTEL CORPORATION, with offices located at 2200 Mission College Blvd., Santa Clara, CA 95052, telephone (408)765-8080; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

**INTEL CORPORATION**

Rev. 08/16/01 (D3 INTEL)